

BY Harrington

S.B. No. 660

A BILL TO BE ENTITLED

AN ACT

relating to regulation of boxing and wrestling by the Texas Department of Labor and Standards; amending Sections 1, 2, 3, 4, 5, 6, 8, 11, 12, 14, and 17c, Chapter 241, General Laws, Acts of the 43rd Legislature, Regular Session, 1933, as amended (Article 8501-1, et seq., Vernon's Texas Civil Statutes), and adding Section 8a, and repealing Sections 9, 13, and 17b; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Sections 1, 2, 3, 4, 5, 6, 8, 11, 12, and 17c, Chapter 241, General Laws, Acts of the 43rd Legislature, Regular Session, 1933, as amended (Article 8501-1, et seq., Vernon's Texas Civil Statutes), are amended, and Section 8a, is added to read as follows:

"Section 1. (a) The promoting, conducting or maintaining of fistic combat or wrestling matches or exhibitions, boxing or sparring contests or exhibitions for money remuneration, purses or prize equivalent to be received by the participants or contestants, or where an admission fee thereto or therefor is charged or received, shall be lawful in Texas, (~~except-on-Sunday~~) subject to such supervision by the Commissioner of the Texas Department of Labor and Standards (~~Labor-Statistics~~) as the (~~such~~) Commissioner possesses over theatres and employees thereof other than performers and under the further provisions hereof; provided however, that any such contests conducted by educational

1 institutions and/or Texas National Guard units and/or duly
2 recognized amateur athletic organizations shall be exempt from
3 the provisions of this Act as specified under Paragraph (b) of
4 this section.

5 "Sole jurisdiction and authority is hereby vested in the
6 Commissioner ~~of Labor~~ to enforce the provisions of this Act
7 regulating the promoting, conducting or maintaining of fistic
8 combats, wrestling matches or exhibitions, boxing or sparring
9 contests or exhibitions for money remuneration, purse or prize
10 equivalent to be received by the participants or contestants; or
11 where an admission fee thereto or therefor is charged or received,
12 and he is hereby given specific authority to promulgate such rules
13 and regulations as shall become necessary in carrying out the
14 purposes of this Act, and shall have the power of refusal of
15 licenses or permits to boxers, wrestlers, managers, referees,
16 match-makers, timekeepers, seconds, promoters or judges if after
17 investigation applicant or applicants are found to be (~~of~~
18 ~~questionable-character-or~~) not entitled to same under the
19 provisions of this Act. (~~The-definition-of-the-words-lboxer,l~~
20 ~~lwrestler,l-lmanager,l-lreferee,l-lmatchmaker,l-ltimekeeper,l~~
21 ~~lsecond,l-lpromoter,l-together-with-the-phrases-lfistic-combatl~~
22 ~~lwrestling-match,lboxing-contestl-as-used-in-this-Act-shall-be~~
23 ~~accepted-as-defined-by-the-National-Boxing-Association-and-the~~
24 ~~National-Wrestling-Association;-and-the-rules-governing-ring~~
25 ~~regulations-of-boxing-and-wrestling-contests-or-sparring-contests~~
26 ~~or-exhibitions;-their-seconds-and-referees-shall-be-in-accordance~~
27 ~~with-those-set-out-by-the-National-Boxing-Association-and-the~~

1 ~~National Wrestling Association. The definition of the phrases~~
2 ~~'Amateur Contestant' and 'Amateur Contests' shall be that as set~~
3 ~~forth by the National Amateur Athletic Union.]~~

4 "If any person, firm or corporation be dissatisfied with
5 any order, ruling or decision of said Commissioner, such aggrieved
6 party may within thirty (30) days from the entry of such order,
7 ruling or decision, appeal therefrom to the District Court of
8 Travis County, Texas, and such Court may hear and determine such
9 appeal, in term time or vacation[~~by trial de novo~~]. The
10 substantial evidence rule shall apply in the appeal. If the
11 aggrieved party shall prevail by final judgment, a certified copy
12 thereof shall be presented to the Commissioner who shall comply
13 with the terms thereof upon the payment of all fees incurred under
14 the terms of this Act.

15 "(b) None of the provisions of this Act shall be applicable
16 to or [and] enforced against:

17 "(1) All nonprofit amateur athletic associations chartered
18 under the laws of the State of Texas including their affiliated
19 membership clubs throughout the State for the promotion of amateur
20 athletics.

21 "(2) Any contests or exhibitions between students of such
22 institutions which are conducted by any college, school or
23 university as part of the institution's athletic program.

24 "(3) Contests or exhibitions between members of such units
25 which are conducted by any troop, battery, company or units of
26 the Texas National Guard [~~or Texas Defense Guard~~]. Provided,
27 none of the participants in such contests or exhibitions receive

1 a money remuneration or purse or prize equivalent for their
2 performance or services therein.

3 "Every person, club, organization or association of persons
4 conducting or sponsoring amateur boxing or wrestling contests
5 where an admission fee is charged, except those specifically
6 exempted, (~~where-an-admission-fee-is-charged~~) shall be subject
7 to the tax provision of this Act and shall conduct all wrestling
8 matches, fistic combats, boxing or sparring contests of amateur
9 standing under the conditions specified hereinafter.

10 "(1) The sanction and approval of the Commissioner ~~of Labor~~
11 ~~Statistics~~ shall be secured at least seven (7) days prior to date
12 of tournaments or contests, and all entries shall be filed with
13 said amateur organization three (3) days prior to date of the
14 tournaments or contests.

15 "(2) Such amateur organization shall have the responsibility
16 of determining and sanctioning the amateur standing or status of
17 each and every contestant who performs or appears in such amateur
18 contests or tournaments.

19 "(3) Such amateur organization shall not be required to
20 secure a license to conduct or promote amateur contests approved
21 by the Commissioner (~~of Labor-Statistics~~).

22 "(4) Such contests shall be subject to the supervision of
23 the Commissioner (~~of Labor-Statistics~~) and all profits derived
24 from such contests shall be used in the development of amateur
25 athletics.

26 "(5) No one shall be permitted to act as a referee or judge in
27 amateur contests except a person holding a license or permit from the

1 Commissioner (~~of-Labor-Statistics~~).

2 "(6) All contestants shall be examined by a licensed
3 physician within a reasonable time before they enter or engage
4 in contests, and a licensed physician shall be in attendance at
5 the ringside during the full course of the contests or tournaments.

6 "(7) No boxer, wrestler or manager licensed under this Act
7 shall participate in any capacity during any amateur show or
8 exhibition and said participation shall be deemed sufficient
9 grounds for having his professional license suspended or revoked
10 by the Commissioner (~~of-Labor-Statistics~~)."

11 "Section 2. The Commissioner (~~of-the-Bureau-of-Labor~~
12 ~~Statistics~~) shall deposit all moneys received by him from license
13 and all other fees under the provisions of this Act in the State
14 Treasury to the credit of the General Revenue Fund of the State.

15 "Section 3. As used in this Act:

16 "(1) 'person' includes an individual, association, or
17 corporation.

18 "(2) 'Commissioner' means the Commissioner of Labor
19 Statistics, i.e. of the Texas Department of Labor and Standards.

20 "(3) 'Professional boxer or wrestler' means a person who
21 competes for a money prize or purse in a boxing or wrestling
22 contest, exhibition, or match, or one who teaches, pursues, or
23 assists in the practice of boxing or wrestling as an occupation
24 or for pecuniary gain.

25 "(4) 'Exhibition' means a demonstration of boxing or
26 wrestling skills.

27 "(5) 'Judge' means a person who is at ringside during a

1 boxing or wrestling match and who scores the participants in the
2 match.

3 "(6) 'Referee' means a person who has general supervision
4 of a boxing or wrestling match or exhibition, and who is in a
5 place designated for him in the ring.

6 "(7) 'Promoter' means a person who [~~Each individual, firm,~~
7 ~~club, copartnership, association, company or corporation which~~
8 conducts any fistic combat, boxing, sparring or wrestling match,
9 contest or exhibition ~~(is a promoter within the terms of this~~
10 ~~Act); provided, that no person may~~ [~~individual, firm, club,~~
11 ~~copartnership, association, company or corporation, nor any member,~~
12 ~~shareholder, stockholder, officer, agent or representative of any~~
13 ~~firm, copartnership, association, company or corporation shall]~~
14 in any manner, either directly or indirectly, act as a promoter
15 ~~[as herein defined] before or prior to such person,~~ ~~member,~~
16 ~~shareholder, stockholder, officer, agent or representative]~~
17 becoming and being a bona fide inhabitant and citizen of the State
18 of Texas ~~[, and each such officer, agent or representative of any~~
19 ~~such firm, club, copartnership, association, company or corporation~~
20 ~~shall likewise be a bona fide inhabitant and citizen of the State~~
21 ~~of Texas, and any person who shall aid or abet any person in~~
22 ~~endeavoring to act as or become such promoter, and any person so~~
23 ~~acting without being so qualified shall be deemed guilty of felony~~
24 ~~swindling and shall be punished accordingly, and the charter or~~
25 ~~any other business permit of any organization whose officer or~~
26 ~~officers, agents or representatives shall be so convicted shall~~
27 ~~thereby be forfeited and their right to conduct such promotion~~

1 ~~or-contests-terminated~~).

2 "(8) The terms 'boxer,' 'wrestler,' 'manager,' 'referee,' 'judge,'
3 'matchmaker,' 'timekeeper,' 'second,' 'promoter,' 'fistic combat,'
4 'wrestling match,' 'boxing contest' shall be accepted as defined
5 by the National Boxing Association and the National Wrestling
6 Association, and the rules governing ring regulations of boxing
7 and wrestling contests or sparring contests or exhibitions, their
8 seconds and referees shall be in accordance with those set out
9 by the National Boxing Association and the National Wrestling
10 Association. The definition of the phrases 'amateur contestant'
11 and 'amateur contests' shall be as set forth by the National
12 Amateur Athletic Union.

13 "Section 4. No person (~~Before-any-individual,-firm,-club,~~
14 ~~copartnership,-association,-company,-or-corporation~~) may act as
15 a promoter of either boxing or wrestling until he has filed or
16 caused (~~as-herein-defined,-such-promoter-shall-file-or-cause~~) to
17 be filed with the Commissioner (~~of-Labor~~) at Austin, Texas, on
18 such form as may be furnished by him a verified declaration or
19 application, setting forth the true name, age, present actual
20 residence, and length of time thereof, place where promoter will
21 operate, and such other information as may be required by such
22 printed forms when furnished. The (~~;-and-the~~) application filed
23 with the Commissioner (~~of-Labor~~) shall be accompanied with a
24 registration or license fee, for which a permit or license may
25 be issued by the (~~said~~) Commissioner (~~of-Labor~~), for the type of
26 license applied for, such remittance to be in such form as by law
27 provided for other remittances to such officer, and the license

1 or [such] registration fee shall be an annual fee to be fixed by
2 the Commissioner on a uniform scale or basis. [~~Ten Dollars (\$10)~~
3 ~~for Boxing Promoters license and Ten Dollars (\$10) for Wrestling~~
4 ~~Promoters license in a city with a population not exceeding seven~~
5 ~~thousand, five hundred (7,500); Twenty Dollars (\$20) in cities~~
6 ~~with a population of seven thousand, five hundred and one (7,501)~~
7 ~~to seventeen thousand, five hundred (17,500) inclusive; Thirty~~
8 ~~Dollars (\$30) in cities with a population of seventeen thousand,~~
9 ~~five hundred and one (17,501) to twenty-five thousand (25,000);~~
10 ~~inclusive; One Hundred Dollars (\$100) in cities with a population~~
11 ~~of twenty-five thousand and one (25,001) to seventy-five thousand~~
12 ~~(75,000); inclusive; and Two Hundred Dollars (\$200) in a city of~~
13 ~~more than seventy-five thousand (75,000) inhabitants; and any~~
14 ~~person or group of persons acting as such promoter without so~~
15 ~~registering and remitting such license fee, and having in their~~
16 ~~possession a duly authorized permit, shall be deemed guilty of~~
17 ~~felony swindling and shall be punished accordingly.]~~

18 "Section 5. (a) No person may conduct, hold, or give a
19 fistic combat match, boxing, sparring, or wrestling contest or
20 exhibition, until he has executed and filed with the Commissioner
21 a good and sufficient surety bond in the sum of \$1,000 subject
22 to the approval of the Commissioner and conditioned for the payment
23 of the tax hereby imposed.

24 "(b) The bond is to be in form and kind required of an
25 administrator of an estate in Texas.

26 "(c) The attorney general may institute suit on the bond
27 to recover delinquent taxes and the cost incurred in ascertaining

1 the amount and recovery of the tax.

2 "(d) If the promoter conducts contests or exhibitions as
3 a continuing enterprise or promotion, the bond shall (i) be annual
4 in effect, (ii) continue in force until the last day of the fiscal
5 year in which the bond is filed and approved and (iii) run
6 concurrent with the time for which the license is issued, unless
7 default be made by the principal or the sureties become
8 insufficient in the judgment of the Commissioner. [Before any
9 individual, firm, club, copartnership, association, company, or
10 corporation may conduct, hold or give any fistie combat, match,
11 boxing, sparring, or wrestling contest or exhibition, such promoter
12 shall execute and file with the Commissioner of Labor a good and
13 sufficient surety bond in the sum of Three Hundred Dollars (\$300)
14 where the combat is to be held in a city of not more than
15 seventy five hundred (7500) population; Five Hundred Dollars
16 (\$500) where the combat is to be held in a city with a population
17 from seven thousand, five hundred and one (7,501) to seventeen
18 thousand, five hundred (17,500), inclusive; Seven Hundred and
19 Fifty Dollars (\$750) where the combat is to be held in a city
20 whose population is between seventeen thousand, five hundred and
21 one (17,501) and twenty five thousand (25,000), inclusive; One
22 Thousand Dollars (\$1,000) in cities whose population is in excess
23 of twenty five thousand (25,000), subject to the approval of the
24 Commissioner and conditioned for the payment of the tax hereby
25 imposed, said bond to be in form and kind required of an
26 administrator of an estate in Texas, and the Attorney General in
27 a Court of competent jurisdiction in Travis County, Texas, or any

1 ~~other Court having jurisdiction, may institute suit upon such~~
2 ~~bond to recover any delinquent tax and the cost incurred in~~
3 ~~ascertaining the amount and recovery of such tax; provided, if~~
4 ~~such promoter conducts such contests or exhibitions as a continuing~~
5 ~~enterprise or promotion, such bond shall be annual in effect and~~
6 ~~continue in force until the last day of the fiscal year in which~~
7 ~~same is filed and approved and shall run concurrent with the time~~
8 ~~for which license is issued, unless default be made by the~~
9 ~~principal thereof or the sureties thereon become insufficient in~~
10 ~~the judgment of the Commissioner of Labor.]~~

11 "Section 6. A person who ~~[Each individual firm, club,~~
12 ~~copartnership, association, company or corporation which]~~ conducts
13 any fistic combat, boxing, sparring or wrestling match, contest
14 or exhibition wherein the contestants or participants receive a
15 money remuneration, purse, or prize equivalent for their
16 performance or services in same, and/or where an admission fee
17 is charged or received, shall furnish to the Commissioner of Labor
18 Statistics at Austin, Texas, within forty-eight (48) hours after
19 the termination of such match, contest or exhibition, a duly
20 verified report thereof showing the number of tickets sold, the
21 various prices received therefor, and the amount of gross receipts
22 for the total number of tickets sold therefor, and at the same
23 time shall attach to the Commissioner of Labor's report legal
24 tender or make proper form of money order or exchange payable to
25 the State Treasurer in the amount of tax for three per centum
26 (3%) of the total gross receipts from the sale of tickets of
27 admission to such contest, which tax shall be deposited to the

1 credit of the General Revenue Fund [~~Boxing and Wrestling~~
2 ~~Enforcement Fund~~]. No other fee or tax either general or local,
3 than as herein provided, shall be assessed against or levied upon
4 any such match, contest or exhibition, contestant or manager, or
5 promoter thereof."

6 "Section 8. (a) No person may perform as a boxer, wrestler,
7 manager, referee, judge, matchmaker, timekeeper, or second or
8 render service for remuneration in contests with or on the same
9 card with licensed contestants, until he has filed with the
10 Commissioner on forms promulgated by the Commissioner a certified
11 application. The application must contain the name, age, present
12 actual residence, and length of time thereof and other information
13 required by the Commissioner. The application shall be accompanied
14 with an annual license fee fixed by the Commissioner on a uniform
15 scale or basis.

16 "(b) A Deputy Labor Commissioner may appoint necessary
17 local officials for a single boxing or wrestling show and issue
18 a license without charge.

19 "(c) The Commissioner shall establish procedures for a
20 qualified person present at the match to appoint a substitute for
21 a referee, second, timekeeper, or other officiating person who
22 fails to present himself at the time of the bout. [Before any
23 person may perform or act as boxer, wrestler, or manager of such
24 boxer or wrestler, or matchmaker for a promoter of boxing and
25 wrestling contests or exhibitions, where such boxer, wrestler,
26 manager, or matchmaker performs or renders service for money
27 remuneration purse or prize equivalent, or may appear or perform

1 ~~without remuneration in contests with or on the same card with~~
2 ~~licensed contestants, such person shall file with the Commissioner~~
3 ~~of Labor at Austin, Texas, on such form as may be furnished by~~
4 ~~him a verified declaration or application, setting forth the true~~
5 ~~name, age, present actual residence, and length of time thereof,~~
6 ~~place where and party with whom filed if other than with the~~
7 ~~Commissioner of Labor at Austin, Texas, as is herein provided,~~
8 ~~and such other information as may be required by such printed~~
9 ~~forms, and the application shall be accompanied with a license~~
10 ~~fee, such remittance to be in such form as by law provided for~~
11 ~~other remittances to such officer, and such license fee shall be~~
12 ~~Five Dollars (\$5) for each boxer or wrestler and Fifteen Dollars~~
13 ~~(\$15) for each manager of a boxer or wrestler, and Fifteen Dollars~~
14 ~~(\$15) for each matchmaker for a promoter of boxing and wrestling~~
15 ~~or otherwise for a boxer or wrestler, provided further that a~~
16 ~~license good for thirty (30) days only may, upon receipt of proper~~
17 ~~application, and when approved by the Commissioner of Labor, be~~
18 ~~issued to a boxer or a wrestler, for a fee of One Dollar (\$1),~~
19 ~~And it is further provided that each manager shall file with the~~
20 ~~Commissioner of Labor a copy of each and every contract entered~~
21 ~~into with a boxer or wrestler, and any person acting or performing~~
22 ~~without so registering and remitting such license fee shall be~~
23 ~~deemed guilty of misdemeanor swindling and shall be punished~~
24 ~~accordingly.~~

25 ~~It is further provided that before any person may perform~~
26 ~~or act as second to a boxer or wrestler, or timekeeper at a boxing~~
27 ~~or wrestling contest, or referee of boxing and wrestling contests~~

1 ~~or exhibitions, such person shall file with the Commissioner of~~
2 ~~labor at Austin, Texas, on such form as may be furnished by said~~
3 ~~Commissioner, a verified declaration or application, setting forth~~
4 ~~the true name, age, present actual residence, and length of time~~
5 ~~thereof, place where and party with whom filed if other than with~~
6 ~~the Commissioner of labor at Austin, Texas, as is herein provided,~~
7 ~~and such other information as may be required by such printed~~
8 ~~forms, and the application shall be accompanied with a license~~
9 ~~fee, such remittance to be in such form as by law provided for~~
10 ~~other remittances to such officer, and such license fee shall be~~
11 ~~Ten Dollars (\$10) for such referee, provided, however, that a~~
12 ~~deputy commissioner of labor may appoint a referee for a single~~
13 ~~boxing or wrestling combat, and issue the license therefor, and~~
14 ~~said license fee shall be One Dollar (\$1), and Two Dollars and~~
15 ~~Fifty Cents (\$2.50) for each second and timekeeper, provided,~~
16 ~~however, that a deputy labor commissioner may appoint said second~~
17 ~~and timekeeper and other necessary local officials for any single~~
18 ~~boxing or wrestling combat and issue a license therefor without~~
19 ~~charge, and provided further that adequate provisions shall be~~
20 ~~made for some person of proper authority present at the match to~~
21 ~~appoint a substitute for any referee, second, timekeeper, or any~~
22 ~~other officiating person who fails to present himself at the time~~
23 ~~of the bout, and provided further that any person acting in any~~
24 ~~of the above named capacities or performing without registering~~
25 ~~and remitting such license fees as are herein required shall be~~
26 ~~deemed guilty of misdemeanor swindling and shall be punished~~
27 ~~accordingly.] "~~

1 "Section 8a. Pending investigation of the qualifications
2 or fitness of an applicant for a license, the Commissioner may
3 grant an applicant a temporary license to act in the capacity for
4 which a license is required. The granting of a temporary license
5 carries no presumption of the qualification or fitness of the
6 applicant having the temporary license, the temporary license may
7 be terminated if the application for a license is denied by the
8 Commissioner. No temporary permit may be issued to a boxer whose
9 application is not accompanied by eye examination and physical
10 report from the examining physicians."

11 "Section 11. No person may: ~~(No individual, firm, club,~~
12 ~~copartnership, association, company or corporation shall):~~

13 ~~[(a) Hold or conduct any fistic combat match, boxing,~~
14 ~~sparring or wrestling contest or exhibition on Sunday, or]~~

15 "(1) [(a)] Knowingly permit any person under the age of
16 eighteen (18) years to participate in any professional fistic
17 combat match, boxing, sparring or wrestling contest or exhibition;
18 or,

19 ~~[(c) Knowingly permit any person under the age of twenty-one~~
20 ~~(21) years to participate in any professional championship fistic~~
21 ~~combat match, boxing, sparring or wrestling contest or exhibition,~~
22 ~~or]~~

23 "(2) [(a)] Permit any gambling or betting or wagering of
24 any character on the result of, or any contingency in connection
25 with any fistic combat match, boxing, sparring or wrestling contest
26 or exhibition, either before or during any such contests; or,

27 "(3) [(a)] Knowingly conduct or give or participate in or

1 permit any sham or fake fistic combat match, boxing, sparring or
2 wrestling contest or exhibition except it be as a burlesque; or,

3 "(4) ~~(4)~~ Permit any contestant for or participant in any
4 fistic combat match, boxing, sparring or wrestling contests or
5 exhibition to enter the same unless such contestant first shall
6 have been examined on the same day as ~~(within two (2) hours prior~~
7 ~~to)~~ entering the ring, by a duly licensed and practicing physician
8 who is a resident of the state ~~(bona fide inhabitant and citizen~~
9 ~~of the State of Texas)~~, nor then, if such physician finds the
10 facts to be that such contestant is physically unfit to engage
11 in such contest, and such physician shall so certify in writing
12 if he finds the fact so to be, and the promoter of such contest
13 shall deliver such report of examination to the Commissioner ~~(of~~
14 ~~Labor Statistics)~~ with the gross receipts tax report, and a duly
15 licensed and practicing physician who is a bona fide inhabitant
16 of the State of Texas shall remain in attendance during the entire
17 time of such match, contest or exhibition; provided, in the event
18 of an emergency in the nature of one or more of the contestants
19 failing, refusing or otherwise being unable to perform as scheduled
20 or agreed, nothing herein shall be construed to prevent the
21 substitution of another contestant or contestants in place of
22 those failing or refusing or being unable to perform as scheduled
23 and any physical examination of a contestant required by this Act
24 may thus be waived by such contestant upon the latter stating in
25 writing that he is physically fit; or,

26 "(5) ~~(5)~~ Permit any fistic combat match, boxing or
27 sparring contest or exhibition for more than ten (10) rounds

1 duration, except in a championship match which shall not exceed
2 fifteen (15) rounds; or,

3 "~~(6)~~ [~~4~~→] Permit one round of such match, contest or
4 exhibition to extend for a longer period than three (3) minutes;
5 or,

6 "~~(7)~~ [~~4~~→] Permit less than one minute intermission between
7 each round; or,

8 "~~(8)~~ [~~4~~→] Permit any fistic combat match, boxing or
9 sparring contest or exhibition without the use of padded gloves
10 of standard make, weighing at least six (6) ounces each, or permit
11 such gloves worn by each of the opposing contestants to be of
12 other than equal weight; or,

13 "~~(9)~~ [~~4~~→] Knowingly sell or cause to be sold or issued
14 for any fistic combat match, boxing, sparring or wrestling contest
15 or exhibition more tickets or invitations or passes purporting
16 to admit anyone to such match, contest or exhibition, or otherwise
17 to admit to the same more persons than are admissible according
18 to the authorized capacity of the building or the part thereof
19 actually used for such purpose; or, [7]

20 "~~(10)~~ Verify or swear to a statement or report required
21 by this Act containing information known to be false."

22 "Section 12. The Commissioner or a deputy commissioner may
23 be present at a boxing or wrestling show or exhibition and may
24 inspect forms or documents required by this Act, and may assist
25 in the counting of the gross receipts and the preparing of the
26 report. ~~[The Commissioner of Labor or any Deputy Commissioner~~
27 ~~of Labor Statistics may be present at any boxing or wrestling~~

1 ~~show or exhibition and may inspect any and all forms or documents~~
2 ~~to be executed as prescribed by this Act, and may assist in the~~
3 ~~counting of the gross receipts and the preparing of the report~~
4 ~~thereon as herein provided, and the original copy of such report~~
5 ~~together with physician's examination report shall be delivered~~
6 ~~or mailed to the General Office of the Commissioner of Labor, at~~
7 ~~Austin, Texas, by the Promoter.] "~~

8 "Section 14. (a) Any person who acts as or aids another
9 in acting as a promoter without being qualified or who acts as
10 a promoter without having a valid permit in his possession is
11 guilty of a Class A misdemeanor.

12 "(b) Except as provided in Subsection (a) of this section,
13 any person who violates the provisions of this Act is guilty of
14 a Class B misdemeanor.

15 ~~[Any individual, copartner or officer of such firm, club,~~
16 ~~copartnership, association, company or corporation who violates~~
17 ~~any of the provisions of this Act, for which a penalty is not~~
18 ~~herein otherwise prescribed, shall be guilty of a misdemeanor,~~
19 ~~and, upon conviction thereof, shall be punished by a fine of not~~
20 ~~less than Twenty-five Dollars (\$25.00) nor more than Two Hundred~~
21 ~~and Fifty Dollars (\$250.00), and by the revocation of the license~~
22 ~~of such violator.] "~~

23 "Section 17c. The Commissioner ~~shall~~ ~~[of labor is hereby~~
24 ~~empowered and it is hereby made his duty to]~~ promulgate any and
25 all reasonable rules and regulations which may be necessary for
26 the purpose of enforcing the provisions of this Law. Any such
27 rules and regulations, however, which may be promulgated by the

1 Commissioner (~~ef-Labor~~) before it shall become effective must be
2 printed and filed as a public record in the office of the
3 Commissioner (~~ef-Labor~~), a copy of which shall be furnished by
4 the Commissioner (~~ef-Labor~~) to any person applying therefor. The
5 Commissioner (~~ef-Labor~~) is also vested and has the power and
6 authority to revoke or suspend the license or permit of any judge, boxer,
7 wrestler, manager, referee, matchmaker, timekeeper, second, or
8 promoter for violation of any rule or regulation which may be
9 promulgated by the Commissioner (~~ef-Labor~~) or for the violation
10 of any provision of this Law wherein the penalty is not
11 specifically provided. Said Commissioner (~~ef-Labor~~) is also to
12 have the power and authority to forfeit the purse of any boxer,
13 wrestler, manager or referee not to exceed Five Hundred Dollars
14 (\$500.00) for the violation of any rule or regulation promulgated
15 by the Commissioner (~~ef-Labor~~) or any provision of this Law wherein
16 the penalty is not specifically provided in Subsection (b) of
17 Section 14, said moneys to be deposited to the credit of the
18 General Revenue Fund ('Boxing-and-Wrestling-Enforcement-Fund').
19 Any person who may be aggrieved (~~effected~~) by any penalty imposed
20 by the Commissioner (~~ef-Labor, -or-is-dissatisfied-with-the-same;~~)
21 shall have the right to appeal to any District Court of Travis
22 County, Texas. The substantial evidence rule shall apply to an
23 appeal from an administrative decision. (~~;the-trial-shall-be-de-~~
24 ~~neve-and-the-procedure-the-same-as-other-civil-cases-and-upon~~
25 ~~such-trial-the-court-shall-have-the-same-power-as-the-Commissioner~~
26 ~~to-impose-the-penalties-herein-provided-for-the-violation-of-any~~
27 ~~reasonable-rule-of-the-Commissioner-or-any-provision-of-this-Act~~

1 ~~wherein a penalty is not specifically provided.]"~~

2 Sec. 2. Sections 9, 13, and 17b, Chapter 241, Acts of the
3 43rd Legislature, Regular Session, 1933, as amended (Article
4 8501-1, et seq., Vernon's Texas Civil Statutes), are repealed.

5 Sec. 3. The importance of this legislation and the crowded
6 condition of the calendars in both houses create an emergency and
7 an imperative public necessity that the constitutional rule
8 requiring bills to be read on three several days in each house
9 be suspended, and this rule is hereby suspended, and that this
10 Act take effect and be in force from and after its passage, and
11 it is so enacted.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 24, 1975

Honorable William T. "Bill" Moore, Chairman
Committee on State Affairs
Senate Chamber
Austin, Texas

In Re: Senate Bill No. 660
By: Harrington

Sir:

In response to your request and pursuant to Senate Rule 94, Subsection (g), this office finds the fiscal implications of Senate Bill No. 660 (relating to regulation of boxing and wrestling by the Texas Department of Labor and Standards) to be as follows:


The probable revenues from implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal</u> <u>Year</u>	
1976	\$ 92,819
1977	94,993
1978	97,207
1979	99,479
1980	101,809

The probable cost of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal</u> <u>Year</u>	
1976	\$104,775
1977	115,573
1978	115,573
1979	115,573
1980	115,573

Similar annual fiscal results will continue as long as the provisions of the bill are in effect.


Thomas M. Keel
Director

State Affairs

S.B. No. 660

By Harrington

An Act relating to regulation of boxing and wrestling by the Texas Department of Labor and Standards; amending Sections 1, 2, 3, 4, 5, 6, 8, 11, 12, 14, and 17c, Chapter 241, General Laws Acts of the 43rd Legislature, Regular Session, 1933, as amended (Article 8501-1, et seq., Vernon's Texas Civil Statutes), and adding Section 8a, and repealing Sections 9, 13 and 17b; and declaring an emergency.

3-11-75

Filed with the Secretary of the Senate

MAR 12 1975

Read, referred to Committee on STATE AFFAIRS

Reported favorably.

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed.

Senate and Constitutional Rules to permit consideration suspended by

{ unanimous consent.

{ _____ yeas, _____ nays.

To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.

Read second time and { ordered engrossed.
passed to third reading.

Caption ordered amended to conform to body of bill.

Senate and Constitutional 3-Day Rules suspended by vote of _____ yeas, _____ nays to place bill on third reading and final passage.

Read third time and passed by { a viva-voce vote.
_____ yeas, _____ nays.

OTHER ACTION:

Secretary of the Senate

Engrossed

Sent to HOUSE

ENGROSSING CLERK